IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5577 OF 2004

Shailesh H. Bajaj ...Applicant

Versus

The State of Maharashtra & Anr ...Respondents

.....

Mr. Shailesh S. Bajaj, Applicant in person.

Mr. S.S. Parab, Advocate for Respondent No.2.

Mr. V.B. Konde Deshmukh, A.P.P. for State.

.....

CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 20TH JUNE, 2005

P. C.:-

1. Heard both sides.

2. The applicant has prayed for quashing of process issued against him in Criminal Case No. 467/S/03 which is pending in the Court of learned Magistrate, 16th Court at Ballard Pier, Mumbai. In the said case, process has been issued against the applicant under Section 138 of Negotiable Instruments Act. The applicant had preferred an application for recalling of process before the learned Magistrate, however, in the meantime, as the judgment in the case of **Adalat Prasad Vs. Rooplal Jindal and Ors. 2004 (4) Mh.L.J. 274**, came to be reported, the applicant did not

pursue his application for recalling of process and he has approached this Court under Section 482 of Cr.P.C.

3. For the reasons recorded in my order dated 8th June, 2005 passed in Criminal Application No.645 of 2005 and order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of 2005, the applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicant prefers revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer revision before the concerned Sessions Court.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Criminal application is disposed of.

*****